

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID ZINNEL,

Claimant-Appellee

v.

STEVEN ZINNEL,

Defendant-Appellant.

No. 22-16128

D.C. No. 2-21-mc-00098-TLN-AC  
Eastern District of California,  
Sacramento

MOTION FOR SUBSTITUTION OR OTHER APPROPRIATE  
RELIEF OF JENNIFER ZINNEL [Fed. R. App. P. 43(a)(1)]

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ZINNEL

COMES NOW, Appellee JENNIFER ZINNEL, and pursuant to Fed. R. App. P. 43(a)(1), moves to substitute MICHAEL BRUMBAUGH, as Successor Trustee of The Castana Trust, Dated March 4, 2009, and Administrator of the Estate of David Zinnel, Decedent, as Appellee in place of Jennifer Zinnel. In support of this motion, Jennifer Zinnel states as follows:

1. Notice of Death.

On or about October 14, 2022, after Steven Zinnel had filed an appeal in the above-entitled matter, DAVID ZINNEL, a third-party claimant and interested party to the lower court proceedings (D.C. No. 2-21-mc-00098-TLN-AC), was tragically killed in a motorcycle accident. Jennifer Zinnel was David Zinnel's wife at the time of his death.

On or about April 10, 2023, in response to Appellant STEVEN ZINNEL's motion for an order to show cause (Docket Entry No. 10), the Court issued its order stating that "Appellant's motion for an order to show cause . . . is treated as a notice of appellee David Zinnel's death . . . ." The Court further ordered Appellee David Zinnel's personal representative to file a motion for substitution or other appropriate relief. (Docket Entry No. 11.)

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2. Motion for Substitution.

On or about May 8, 2023, JENNIFER ZINNEL, filed a Motion for Substitution or Other Appropriate Relief (“**Motion for Substitution**”). (Docket Entry No. 12.)

On or about May 16, 2023, Appellant Steven Zinnel filed an Opposition to Jennifer Zinnel’s Motion for Substitution which included a Motion to Dismiss and/or Strike David Zinnel as an Appellant and a Motion to Change Venue (“**Motion to Dismiss**”). (Docket No. 13).

On or about July 25, 2023, pursuant to the Court’s July 19, 2023 Order (Docket No. 14), Jennifer Zinnel filed an Opposition to Steven Zinnel’s Motion to Dismiss. (Docket No. 15.)

On or about August 29, 2023, the Court granted Jennifer Zinnel’s Motion for Substitution and ordered her to provide notice to the Court of any probate court order affecting Jennifer Zinnel’s status as personal representative of David Zinnel within fourteen (14) days of any probate order affecting Jennifer Zinnel’s status as personal representative of David Zinnel and file a motion for appropriate relief. (Docket No. 17.)

On or about August 30, 2023, Jennifer Zinnel filed with the Court a Notice of Appointment of Michael Brumbaugh as Administrator of the Estate of David Zinnel, Decedent, and as Successor Trustee of The Castana Trust, Dated March 4, 2009.

(Docket Entry No. 19). The Notice included copies of Sacramento County Superior Court Judge John Winn's August 15, 2023, Order appointing Michael Brumbaugh as Administrator of the Estate of David Zinnel, and Judge Winn's August 30, 2023, Order Appointing Michael Brumbaugh as Successor Trustee of The Castana Trust, Dated March 4, 2009, as Exhibit A and B, respectively.

WHEREFORE, for the foregoing reasons, Appellee Jennifer Zinnel requests that this Motion be granted and that the Court enter an order: (1) substituting MICHAEL BRUMBAUGH, as Successor Trustee of The Castana Trust, Dated March 4, 2009, and as Administrator of the Estate of David Zinnel, Decedent, in lieu of Appellee Jennifer Zinnel, and (2) directing the Clerk of the Court to amend the docket to reflect the substitution.

Dated: September 11, 2023

Respectfully submitted,

K. GREG PETERSON, a Professional Law Corporation

By: /s/ K. Greg Peterson  
K. Greg Peterson, Esq., Attorney  
For JENNIFER ZINNEL, Personal  
Representative of Appellee DAVID  
ZINNEL, Trustee of The Castana Trust and  
Residuary Beneficiary

CERTIFICATE OF SERVICE

I certify that I served on the person(s) listed below, either by mail, email or hand delivery a copy of the within MOTION FOR SUBSTITUTION OR OTHER APPROPRIATE RELIEF OF JENNIFER ZINNEL [Fed. R. App. P. 43(a)(1)].

Steven Zinnel, In Pro Se  
11 Verdin Lane  
Aliso Viejo, CA 92656

Dated: September 11, 2023

/s/ Karen Traugh  
Karen Traugh